

EXHIBIT 16



October 28, 2015

Dear Coach Kennedy,

On September 17, 2015, you were provided with written direction regarding religious activity while on duty. You told me that you understood and would follow those guidelines. However, immediately following completion of the Bremerton High School varsity football game on October 16, 2015, you violated those directives by engaging in overt, public and demonstrative religious conduct while still on duty as an assistant coach.

Rather than taking any action with respect to your employment status in response to that conduct, I provided you with additional direction by letter on October 23, 2015. In that letter, I offered several possible means of accommodating your desire to engage in private prayer following football games – offering private locations for you to pray in the school building, athletic facility or stadium press box – so long as your brief, private religious exercise would not interfere with your performance of your continuing duties as an assistant coach. Observing that the development of accommodations is an interactive process, I also invited you to contact me to discuss these or other options for accommodating your free exercise rights.

Rather than contact me, or use any of the offered accommodations, on October 23, 2015, while still on duty, you kneeled on the field and prayed immediately following the varsity football game. Further, on October 26, 2015, while still on duty as the head coach of the junior varsity team, you kneeled on the field and prayed immediately following that game, while your players were still engaging in post-game traditions. You then rejoined your players for a post-game talk. Your conduct on both occasions was in direct violation of the directives set forth in my October 23 letter.

Effective immediately, pending further District review of your conduct, you are placed on paid administrative leave from your position as an assistant coach with the Bremerton High School football program. This leave will remain in effect until you are notified that it has been lifted. Unless and until you are advised otherwise, you may not participate, in any capacity, in BHS football program activities. You may be present for public football program events or other public District activities, and may be present at District facilities, only when, where and under the same conditions that other members of the general public are allowed to be present. On such occasions, your presence is conditioned upon full compliance with all District policies and procedures. Please contact John Polm to arrange for the immediate return of any District property in your possession.

I regret the necessity of this action. Please know that the District remains willing to discuss ways of accommodating your private religious exercise. Please contact me if you wish to discuss the options I have previously identified, or any other options you may have in mind.

Sincerely,

Aaron Leavell, Ed.D.
Superintendent

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